IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 980 of 2007

Date of Decision: 12.02.2007

S.K.Agriculture Works

.....Petitioner through
Mr. Ajay Sharma,
Advocate

versus

Haryana State Industrial Development Corporation Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIVE BHALLA

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

*****

Vijender Jain, Chief Justice (Oral)

CM Nos. 2178-79 of 2007

C.Ms allowed. Documents are taken on record.

CWP No. 980 of 2007

The State, under its benevolent policy of industrialization and with the object of encouraging economic growth,acquires land and then carves out industrial plots. The plots are allotted to intending, industrialists or entrepreneurs who would like to set up industries in the State. The terms of allotments, contain a clause which, inter-alia, stipulates that an allottee shall commence and conclude construction within a stipulated period.

An industrial plot was allotted to petitioner No.1 on 26.04.2001. He was, thereafter, served with a show cause notice dated 13.5.2004, for failure to raise construction within the stipulated period. Despite the afore mentioned notice, no construction was raised. Thus, the site was resumed and the allotment was cancelled on 9.2.2005 . The appeal filed by the petitioner against the said order was also dismissed on 11.8.2006. Aggrieved by the said order, the petitioner has filed the present writ petition.

To test the bonafides of the petitioner i.e. whether he was a bonafide entrepreneur or was merely seeking to profit from the exorbitant rise in prices of land, we had directed the petitioner, vide our order dated 21.01.2007 to disclose his liquidity position i.e. his bank account as well as balance sheet, as on date. Perusal of the pass books, filed by the petitioner fortifies our initial apprehension that the petitioner lacks bonafides and seeks to profit from the concessional allotment. After the order of resumption and till 6.1.2007, the balance in the pass book was Rs.4834/-. It was only after our order dated 22.01.2007 that Rs.20,000/- Rs.22,000/-

and Rs. 15,000/- were deposited in cash by the petitioner on 29.1.2007, 1.2.2007 and 6.2.2007. It thus appears that the petitioner does not possess requisite means to raise construction, and set up a project. The contentions raised, about difficulties in construction, allotment of an alternate plot etc. are a mere smoke screen to mask the true intent of the petitioner. The petitioner's pleas lack bonafides.

An allottee like the petitioner who lacks financial resources to raise construction cannot be granted relief in jurisdiction under Article 226 of the Constitution of India.

No ground to interfere.

Dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

12.02.2007
'ravinder'